



LANDOWNER CHECKLIST

The Department of Labor and Industries and landowners, business operators, associations, and workers of the special forest products industry have created the following list of questions to assist landowners in complying with Farm Labor Contractor laws. This list is intended to help Landowners avoid liability by identifying purchasers of permits that may be unlicensed Farm Labor Contractors (FLC's). "Liability" means that the landowner could be responsible for unpaid wages and other financial obligations of the FLC. The landowner should also review the FLC Checklist to assess if he or she is a farm labor contractor.

WHO IS A FARM LABOR CONTRACTOR?

A Farm Labor Contractor is an individual, firm, partnership, association, corporation or government agency that, for a fee, recruits, solicits, employs, supplies, transports, or hires agricultural workers. Agricultural workers are employed for growing, producing or harvesting farm or nursery products, or in the forestation or reforestation of lands or other related activities. "Fee" includes anything that is received in exchange for FLC services.

HOW DOES THIS AFFECT ME?

RCW 19.30.200 states: "Any person who *knowingly* uses services of unlicensed farm labor contractor shall be personally, jointly and severally liable." (Italics added) Additionally, there are remedies and penalties for failing to comply with applicable statutes and rules, including fines of up to \$1000, potential right of action, and liens against bonds.

HOW CAN I PROTECT MYSELF?

The following checklist and business practices can be used as a tool in determining the scope of responsibilities. The accompanying ledger can be used as a checklist to assist you in your determination, and may be supplied to a Department employee during an audit.

Place a checkmark in the box (☐) corresponding to the provided response.

Checklist Item	Business Practice
1. Ask the person who is purchasing the permit if he or she is a Farm Labor Contractor. <input type="checkbox"/> Yes <input type="checkbox"/> No	Asking questions, following the checklist, and using the ledger will help a landowner establish that they are trying to do the right thing. If the purchaser is a farm labor contractor (FLC), then they must have the FLC license on them--ask to see the license. If they say no to this first question, continue on through this checklist. "Digging a little deeper" may provide answers that help you avoid liability.
2. When selling a permit, check the identity, address and phone number of permit purchaser by looking at drivers license or other form of valid picture identification. <input type="checkbox"/> Performed <input type="checkbox"/> Not performed	RCW 76.48.050(8): The law requires that the seller of a permit must record the number from some type of valid picture ID on the permit. Checking the identification and assessing its validity helps reduce liability as a landowner.
3. Proof of insurance: Vehicle and Liability insurance are required in the State of Washington. <input type="checkbox"/> Have proper insurance <input type="checkbox"/> Do not have proper insurance	Both the Farm Labor Contractor rules (WAC 296-310-040) and the General Insurance statute (Title 48 RCW) require proof of vehicle and liability insurance. A farm labor contractor is required to have insurance if they transport employees. Ask to look at their insurance cards to help alleviate your liability.
4. Ask how many people will be harvesting off the permit. Number of people:	If their answer is more than one person, then the permit seller should continue the evaluation by asking question 5 from the checklist.
5. Ask the purchaser if they recruit, solicit, employ, supply, transport, or hire agricultural workers (employees) for harvesting product (this is the definition of a farm labor contractor). <input type="checkbox"/> Yes they do <input type="checkbox"/> No they do not	RCW 19.30.200: If they answer "Yes", then they are required to be licensed with Labor and Industries. Otherwise the landowner could be held liable for all obligations of the farm labor contractor. Contact L&I and provide us the name of the individual.

Additional decision making elements and considerations:

- After completing the checklist, ask yourself again "is this person a farm labor contractor?" If the permit purchaser cannot demonstrate compliance with the requirements noted above, they may be in violation of the law. Selling a permit to this person may increase your liability as a landowner. Contact L&I about this individual or to receive additional guidance.
- Review the lease and sale language in contracts. Landowners have indicated that contract modifications may be necessary to better protect them and ensure compliance with the Farm Labor statutes, again helping to avoid liability.
- RCW 76.48.050(5) requires the seller of a permit to specify the approximate amount of product to be harvested. The permit cannot state "unlimited" amount; but recording "not to exceed X amount" on the permit is a viable alternative. This specificity creates a benchmark for the purchaser of the product (a shed) to begin their assessment of "is this a Farm Labor Contractor".

See Chapter 19.30 RCW, Farm Labor Contractors, Chapter 296-310 WAC, Farm Labor Contracting Rules, and Chapter 76.48 RCW, Specialized Forest Products for full requirements. For further information, contact the Department at the address or phone number listed at the top of this page.

LANDOWNER PERMIT LEDGER

This ledger is provided by Labor and Industries to assist the landowner in complying with all applicable laws associated with the specialized forest products industry.

How To Use This Ledger: The numbered boxes correlate to the checklist items on the accompanying “Landowner Checklist”. For example, the box marked “1. Is purchaser an FLC?” correlates to item number 1 on the checklist item, “Ask if permit purchaser is a Farm Labor Contractor”. The second box, “2. Check ID and Name” correlates to item number 2, “When selling permit, check identity, address and phone number of permit purchaser...” and so on.

Date	1a. Is purchaser an FLC? (Yes or No) If YES, fill in boxes 1b and 1c.	1b. Record name of licensee (N) and license number (#).	1c. Record license date of issuance (I) and expiration (E).	2. Check identification and name? (Record Name and Driver’s License or Identification number)	3. Proof of Insurance? (Yes or No)	4. Number of harvesters? (Record number of harvesters)	5. Does permit purchaser satisfy any element of the FLC definition? (Yes or No)
	<input type="checkbox"/> Yes <input type="checkbox"/> No	N: #:	I: E:		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	N: #:	I: E:		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	N: #:	I: E:		<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
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